IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 540 of 2000

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DEEPAKBHAI BHOGILAL KOTHARI

Versus

STATE OF GUJARAT

Appearance:

MR BS PATEL for Petitioner No. 1

MR LR PUJARI, APP for Respondents Nos.1 and 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 26/12/2001

ORAL JUDGEMENT

#. Heard the learned advocates.

#. This Revision Application under Section 397 read with Section 401 CrPC has been preferred against the order dated 12th December, 2000 made by the learned Additional Sessions Judge, Mehsana in Criminal Revision Application No.111/2000.

#. It appears that in the offence registered as CR

No.263/99 in Mehsana Taluka Police Station, the petitioner has been arraigned as an accused for offence punishable under Sections 66(B), 66(A), 65(E), 116(B) and 81 of the Bombay Prohibition Act. Pending investigation of the said offence, the police had asked for remand for seven days. The said request was rejected by the learned Chief Judicial Magistrate, Mehsana on 3rd August, 2000. Feeling aggrieved, the State had preferred the above Criminal Revision Application No.111/2000 in the Court of Sessions at Mehsana. The said Revision Application was allowed by the learned Additional Sessions Judge, Mehsana. Under the impugned order dated 12th December, 2000, the accused - petitioner was ordered to be remanded to the police custody for five days. Feeling aggrieved, the accused has preferred the present Revision Application.

#. Pending this Revision Application, the order of remand has been stayed by this Court (Coram : HH Mehta, J.) on 20th December, 2000. In view of passage of time, the question of remand to the police custody shall not arise.

#. The Revision Application is, therefore, allowed. The impugned order dated 12th December, 2000 made by the learned Additional Sessions Judge, Mehsana in Criminal Revision Application No.111/2000 is quashed and set aside. Rule is made absolute.

26th December, 2001. (Ms. R.M. Doshit, J.)
/sakkaf